

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM ESCALERA, JR.,

Plaintiff,

- against -

MEMORANDUM AND ORDER
16-CV-6753 (RRM) (CLP)

CAPTAIN CRUZ, C.O. AZIZ, and CITY OF NEW
YORK,

Defendants.

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ROSLYNN R. MAUSKOPF, Chief United States District Judge.

Pro se plaintiff William Escalera, Jr., brought this action seeking damages for injuries allegedly incurred while incarcerated at Rikers Island. (Compl. (Doc. No. 1).) On October 29, 2018, this Court adopted a report and recommendation (“R&R”) issued by Magistrate Judge Cheryl L. Pollak on October 15, 2018, recommending that this action be dismissed for failure to prosecute if Escalera did not contact the Court or defendants’ counsel on or before December 14, 2018. (Order Adopting R&R (Doc. No. 47).) The Order expressly noted that this action “shall be dismissed for failure to prosecute” unless such contact were made. (Order Adopting R&R at 1.)

That Order was mailed to Escalera that same day and has not been returned as undeliverable. The Court has not received any correspondence from Escalera, and defendants’ counsel confirmed by letter dated January 4, 2019, that they had not received “any form of correspondence from plaintiff.” (Defs.’ Letter (Doc. No. 48).) Accordingly, this action is dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to enter the accompanying judgment; mail a

copy of this Order and the accompanying judgment to plaintiff William Escalera, Jr., at his last known address; note the mailing on the docket; and close this case.

SO ORDERED.

Dated: Brooklyn, New York
June 11, 2020

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
Chief United States District Judge